

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 22-20088

v.

Judith E. Levy

United States District Judge

Timothy Raymond Milley,

Mag. Judge Jonathan J.C. Grey

Defendant.

_____/

**ORDER REQUIRING ATTORNEY MARC R. LAKIN TO FILE A
NOTICE OF APPEARANCE IN THIS CASE**

On February 17, 2022, Defendant Timothy Raymond Milley was indicted on one count of online enticement of a minor, 18 U.S.C. § 2422(b), and one count of travel with intent to engage in illicit sexual conduct, 18 U.S.C. § 2423(b). (ECF No. 1.) On February 25, 2022, attorney Marc R. Lakin appeared on behalf of Defendant for Defendant's initial appearance before Magistrate Judge Elizabeth A. Stafford. (ECF No. 2.) On March 8, 2022, Mr. Lakin appeared on behalf of Defendant during Defendant's arraignment and detention hearing before Judge Stafford. (ECF No. 6.) That same day, Mr. Lakin signed the acknowledgment of

indictment, in which he affirmed that he was acting as “counsel for defendant” in this case. (ECF No. 7.) Mr. Lakin has also consented to three subsequent stipulations adjourning the trial and other dates on behalf of Defendant. (*See* ECF Nos. 9, 10, 11.)

Despite his ongoing representation of Defendant in this case, Mr. Lakin has failed to file a notice of appearance. On May 2, 2022, the Court contacted Mr. Lakin and the Government via email and requested that Mr. Lakin file his appearance.¹ In a July 22, 2022 email to the parties, the Court again requested that Mr. Lakin file his notice of appearance.² On August 31, 2022, the Court emailed the parties regarding a hearing on the Government’s motion to admit other sexual assault evidence (ECF No. 12), and instructed Mr. Lakin to file an appearance within seven days.³ On September 8, 2022, Mr. Lakin contacted the Court via phone

¹ E-mail from William Barkholz, Case Manager to Judge Judith E. Levy, to Marc R. Lakin, Counsel for Defendant, and Kevin Mulcahy, Assistant United States Attorney (May 2, 2022, 3:26 PM EST) (on file with the Court).

² E-mail from William Barkholz, Case Manager to Judge Judith E. Levy, to Marc R. Lakin, Counsel for Defendant, and Kevin Mulcahy, Assistant United States Attorney (July 22, 2022, 1:55 PM EST) (on file with the Court).

³ E-mail from William Barkholz, Case Manager to Judge Judith E. Levy, to Marc R. Lakin, Counsel for Defendant, and Kevin Mulcahy, Assistant United States Attorney (Aug. 31, 2022, 10:40 AM EST) (on file with the Court).

and requested additional time to consult with Defendant before entering a notice of appearance.

Under Eastern District of Michigan Local Criminal Rule 57.1(a), “[a]n attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the defendant until the case is dismissed, the defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court.” Here, Mr. Lakin has already appeared on behalf of Defendant on two occasions before Judge Stafford following Defendant’s indictment in this case. (*See* ECF Nos. 2, 6.) As such, Mr. Lakin may “withdraw only by written motion served upon the defendant personally or at the defendant’s last-known address and upon all other parties.” E.D. Mich. LCrR 57.1(b). In addition to consulting with Defendant, the Court reminds Mr. Lakin that he must seek concurrence from the Government before filing any such motion. *See* E.D. Mich. LCrR 12.1(a) (“Motions in criminal cases shall be filed in accordance with the procedures set forth in [E.D. Mich. LR] 7.1.”).

Accordingly, the Court ORDERS Defendant's attorney Marc R. Lakin to file a notice of appearance via the Court's ECF System by **Thursday, September 15, 2022.**

IT IS SO ORDERED.

Dated: September 8, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on September 8, 2022 the foregoing document was served upon counsel of record for the Government via the Court's ECF System to their respective email and upon counsel for the Defendant, Marc R. Lakin, via email at marclakin@mac.com and via First Class U.S. mail to The Law Offices of Marc R. Lakin, 283 East Frank Street, Birmingham, MI 48009.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager